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EXTRAORDINARY

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PART II—Section 2

प्रधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation

## LOK SABHA

The following Bills were introduced in Lok Sabha on the 20th July, 1977:—

BILL No. 69 of 1977

*A Bill further to amend the Tea Act, 1953.*

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1. This Act may be called the Tea (Amendment) Act, 1977.

29 of 1953. 2. In section 9 of the Tea Act, 1953 (hereinafter referred to as the principal Act),—

(a) in sub-section (1),—

(i) clause (a) shall be re-lettered as clause (aa) and before clause (aa) as so re-lettered, the following clause shall be inserted, namely:—

Short title.

Amendment of section 9.

“(a) a Deputy Chairman to the Board who shall assist the Chairman in the performance of his duties and exercise such of the powers and perform such of the duties as may be prescribed or as may be delegated to him by the Board or by a Committee constituted by the Board under section 8 or by the Chairman;”;

(ii) in clause (b), for the words “a salary of rupees one thousand or more per month”, the words “a salary exceeding rupees one thousand seven hundred per month” shall be substituted;

(b) in sub-section (3), for the words "Secretary and other employees", the words "Deputy Chairman, Secretary and other employees" shall be substituted

Amend-  
ment of  
section  
49.

3. In section 49 of the principal Act,—

(a) in sub-section (2), in clause (d), for the word "Secretary", the words "Deputy Chairman, Secretary" shall be substituted;

(b) in sub-section (3), for the words "in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following", the words "in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid" shall be substituted.

Amend-  
ment of  
section  
50.

4. In section 50 of the principal Act, in sub-section (1), in clause (b), for the word "Secretary", the words "Deputy Chairman, Secretary" shall be substituted.

## STATEMENT OF OBJECTS AND REASONS

The Tea Board was set up under the Tea Act, 1953 for the development and promotion of tea industry under the control of the Union.

2. Under sub-section (1) of section 9 of the Tea Act, 1953, the power to appoint a Secretary to the Board and all other officers of the Board drawing a salary of Rs 1,000 or more per month vests in the Central Government. On the basis of the recommendations of the Third Pay Commission there has been upward revision in the pay structure of the officers and employees of the Board. The Task Force on tea industry suggested that the Tea Board may be empowered to make appointments to posts carrying a salary of not more than Rs. 1,800 per month. As the nearest pay scale of officers of the Board below Rs. 1800 is Rs 1300—1700 it is proposed to amend sub-section (1) of section 9 to empower the Central Government to make appointments to posts carrying a scale of pay exceeding Rs. 1,700 per month instead of Rs. 1,000 as at present.

3. An officer designated as Deputy Chairman is functioning in the Board but he is not an authority named in the Act. The Task Force felt that this hinders his effective functioning in the Tea Board. In fact, in the absence of the Chairman, the Deputy Chairman has to function as the Chairman. The Task Force has, therefore, recommended amendment of section 9 to provide for the appointment of Deputy Chairman to assist generally the Chairman and to exercise such powers and perform such duties as may be prescribed by rules or delegated to him by the Board or its committees or the Chairman.

4. Opportunity is taken to make some consequential amendments in the Act and to modify sub-section (3) of section 49 relating to laying of rules before Parliament to bring it in conformity with the recommendation of the Committee on Subordinate Legislation.

5. The Bill seeks to achieve the above objects.

NEW DELHI;

*The 13th July, 1977.*

MOHAN DHARIA

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3(a) of the Bill seeks to amend clause (d) of sub-section (2) of section 49 of the Act so as to empower the Central Government to make rules regarding the pay, allowances and other conditions of service of the Deputy Chairman.

Clause 4 of the Bill seeks to amend clause (b) of sub-section (1) of section 50 to empower the Tea Board to make by-laws consistent with the Act and the rules made thereunder to provide for the delegation of powers and duties to the Deputy Chairman

The matters in respect of which such rules and by-laws may be made are generally matters of procedure and administrative detail. The delegation of the legislative power is, therefore, of a normal character.

## BILL No. 70 OF 1977

*A Bill further to amend the Petroleum Act, 1934*

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1. This Act may be called the Petroleum (Amendment) Act, 1977. Short title.
- 30 of 1934. 2 In section 26 of the Petroleum Act, 1934 (hereinafter referred to as the principal Act), in sub-section (2), for the words and figures "Code of Criminal Procedure, 1898", the words and figures "Code of Criminal Procedure, 1973" shall be substituted. Amend-  
ment of  
section 26.
3. In section 27 of the principal Act, for the words "Chief Inspector of Explosives in India", the words "Chief Controller of Explosives" shall be substituted. Amend-  
ment of  
section 27.
4. In section 28 of the principal Act,—
- (i) in sub-section (1), for the words and figures "Code of Criminal Procedure, 1898", the words and figures "Code of Criminal Procedure, 1973" shall be substituted; Amend-  
ment of  
section 28.
- (ii) in sub-section (4), for the words "Chief Inspector of Explosives in India", the words "Chief Controller of Explosives" shall be substituted.

Amend-  
ment of  
section 20.

5. In section 29 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule, or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice in the validity of anything previously done under that rule.”.

## STATEMENT OF OBJECTS AND REASONS

The Committee on Subordinate Legislation (Fifth Lok Sabha) in their Fourteenth Report desired that the Government should undertake a review of all Acts to find out which of them do not contain a provision for laying of rules framed thereunder before Parliament and should incorporate such a provision in those Acts. As the Petroleum Act, 1934, does not contain such a provision, the Bill seeks to include such a provision in that Act.

2. The opportunity is availed of to change the references to the Chief Inspector of Explosives in India and the Code of Criminal Procedure, 1898, into references to the Chief Controller of Explosives and the Code of Criminal Procedure, 1973, respectively.

NEW DELHI;  
*The 13th July, 1977.*

GEORGE FERNANDES.

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AVTAR SINGH RIKHY,  
Secretary.

